

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DR. JUAN Cristian PEREZ OLMOS,

Plaintiff-Appellant,

Case No.: **21-cv-1518 JAG**

v.

MAYAGUEZ MEDICAL CENTER,

Defendant-Appellee.

RECEIVED & FILED
2021 OCT 26 PM 4:37
CLERK OF COURT
DISTRICT OF PUERTO RICO

**PLAINTIFF-APPELLANT'S VERIFIED COMPLAINT FOR VIOLATIONS OF TITLE
VII OF THE UNITED STATES CIVIL RIGHTS ACT
AND DEMAND FOR JURY TRIAL**

Plaintiff-Appellant, Dr. Juan Cristian Perez Olmos, MD., brings this *Verified Complaint* against Mayaguez Medical Center for violations of the federal Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) ("Title VII"). As set forth herein, Defendant-Appellee unlawfully terminated Dr. Perez Olmos on June 29, 2020. Dr. Perez-Olmos' sexuality (openly gay man) and national origin/race (native of the Dominican Republic) were a factor in Defendant-Appellee's decision to terminate him. Defendant-Appellee also otherwise unlawfully discriminated against Dr. Perez Olmos, a resident physician, in the terms, conditions, and privileges of his employment on account of his sexual orientation and national origin/race in further violation of Title VII. Plaintiff-Appellant demands a jury trial.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over Plaintiff-Appellant's claims for violation of Title VII on the basis of sexual orientation and national origin/race (federal question).

2. Venue is also proper. Plaintiff-Appellant is a resident of Puerto Rico. The wrongful actions of Defendant-Appellant that give rise to Dr. Perez Olmos claims for relief occurred within the District of Puerto Rico.
3. Defendant-Appellee Mayaguez Medical Center is a hospital operating in the District of Puerto Rico. Title VII prohibits Defendant-Appellee from discriminating against its employees, including Dr. Perez Olmos, on the basis of sexual orientation, national origin, and race.
4. Defendant-Appellee operates a resident physician program. Dr. Perez Olmos was at all times relevant to this *Complaint* a resident physician at the Mayaguez Medical Center.
5. Plaintiff-Appellant has exhausted his administrative remedies with respect to his Title VII claims. This *Complaint* timely follows.

II. THE FACTS

6. Dr. Perez Olmos was employed as a resident physician at Mayaguez Medical Center from the summer of 2019 to the summer of 2020. Dr. Perez Olmos is a member of a protected class on the basis of his sexuality (openly gay man) and on the basis of his national origin/race (Dominican Republic). As a Dominican, Dr. Perez Olmos was a racial minority within the residency program. Dr. Perez Olmos was also the only openly gay resident physician in his residency cohort.
7. During the 2019-2020 term, Dr. Perez Olmos successfully completed his internship, or first year of residency known as PGY1. Defendant Mayaguez Medical Center promoted Dr. Perez Olmos to PGY2, or the second year in a three year residency, on or about July 1, 2020.

8. This promotion confirms that Dr. Perez Olmos successfully completed all the requirements of PGY1 which include two-semi annual evaluations which Dr. Perez Olmos passed. Prior to this promotion, Defendant-Appellee was also in possession of several letters from attending physicians recommending Dr. Perez Olmos for promotion in light of his character and job performance.
9. Throughout the course of his residency, Defendant-Appellee subjected Dr. Perez Olmos to unlawful discrimination on the basis of being both an openly gay man and on account of his being from the Dominican Republic. To wit, Dr. Perez Olmos was supervised, evaluated, and disciplined more harshly than other non-gay, non-racial minority resident physicians. Defendant-Appellee is responsible for the discriminatory acts and other acts or omissions of its directors, officers, and employees under the doctrine of respondeat superior.
10. Without any prior notice or progressive discipline, on June 29, 2020 Defendant-Appellee Mayaguez Medical Center hand-delivered Dr. Perez Olmos a letter informing him that he had been terminated from the residency program and from his employment at Mayaguez Medical Center.
11. Defendant-Appellee did not state the reasons or basis for terminating Dr. Perez Olmos in the June 29, 2020 letter. This was in violation of Defendant-Appellee's own written policy which requires that any request for corrective action against a resident physician be submitted to Defendant-Appellee's disciplinary committee in writing so that a responding employee may know the basis of the charges against them in order to mount a defense.

12. Defendant-Appellee thereby deprived Dr. Perez Olmos of his due process right to a fair, pre-termination process which, at a minimum, requires that Defendant-Appellee provide Dr. Perez Olmos with notice of its intent to terminate, the basis and evidence for taking such an action, and an opportunity to be heard.
13. Upon information and belief, Defendant-Appellee Mayaguez Medical Center terminated Dr. Perez Olmos on account of incidents that occurred on June 24, 2020; five days prior to the June 29, 2020 termination letter.
14. On this date, Dr. Perez Olmos was presenting medical research via videoconference to members of the Mayaguez Medical Center staff and representatives of other hospitals on his personal tablet computer. Due to an unforeseeable technical error, the home screen on Dr. Perez Olmos' tablet computer accidentally and unintentionally became visible to the other video conference participants at some point during the presentation.
15. Dr. Perez Olmos' home screen was of a famous painting depicting a scene from Dante Alighieri's Divine Comedy. The painting includes a depiction of two half-naked men. The original painting now hangs in the Musee D'Orsay in Paris, France and by no means appeals to prurient interests. The image was visible to the conference participants for a brief moment.
16. Defendant-Appellee's decision to terminate Dr. Perez Olmos on account of this incident is pretextual and rooted in an unlawful discriminatory animus to hyper-sexualize the aforementioned painting in light of Dr. Perez Olmos' sexual orientation and to ascribe perverse motives and prurient inclinations to Dr. Perez Olmos again on account of his sexual orientation. It is highly unlikely that Defendant-Appellee, for example, would have terminated a hetero-sexual, non-racial minority resident physician for accidentally

sharing a desktop image of a classical painting depicting a half naked woman during a professional presentation.

17. Defendant-Appellee's decision to terminate Dr. Perez Olmos was also motivated, at least in part, by an unlawful discriminatory animus on the basis of race/national origin. It is similarly unlikely that Defendant-Appellee would terminate a non-racial minority resident physician for the same sort of accident that befell Dr. Perez Olmos on June 24, 2020.

III. CAUSE OF ACTION

COUNT ONE: VIOLATION OF TITLE VII

18. Plaintiff-Appellant hereby incorporates by reference all preceding allegations as if set forth fully herein.
19. Defendant-Appellees unlawful discrimination has caused substantial financial, professional, and emotional damages to Dr. Perez Olmos in an amount to be proven at trial. To wit, and for example only, Defendant-Appellee's unlawful termination caused an wrongful and unnecessary delay in Dr. Perez Olmos completion of his residency; a requirement that he must complete in order to obtain board certification and to practice medicine as a licensed physician.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff-Appellant prays the Court enter judgment in his favor and find that Defendant-Appellee violated Dr. Perez Olmos to be free from unlawful discrimination on the basis of his sexual orientation, race, or national origin. Plaintiff-Appellant further prays that the Court award him all damages available under statutory or common law, including without

limitation an award of punitive damages and attorneys fees. Plaintiff-Appellant further asks for any other forms of relief that the Court deems just or proper.

Respectfully submitted,

/s/ Dr. Juan Cristian Perez Olmos

Dr. Juan Chrisitan Perez Olmos

Pro se litigant

Condominio La Arboleda

Apartamento #206

Guaynabo, Puerto Rico 00966

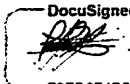
Ph: 787-908-6077

doctor.olmos89@gmail.com

VERIFICATION

I hereby certify that I have reviewed the foregoing document and I hereby attest, under penalty of perjury, that the factual allegations contained therein are true and correct to the best of my knowledge, information and belief.

DocuSigned by:



73FD674D5AA0436...

Dr. Juan Cristian Perez Olmos

DATE: 10/20/2021
